

**SELECTED HIGHLIGHTS
OF THE
UNIFORM STATE MEMORANDUM OF AGREEMENT
BETWEEN EDUCATION AND LAW ENFORCEMENT OFFICIALS**

July 23, 1999

The “*Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*” was developed by the Attorney General’s Education and Law Enforcement Working Group and is based upon earlier memoranda of agreement that were issued in 1988 and 1992. All school districts are required by rules and regulations promulgated by the State Board of Education to adopt and implement policies and procedures that are “consistent with and complementary to the State Memorandum of Agreement approved by the Department of Law and Public Safety and the Department of Education.” N.J.A.C. 6:29-10.1. Accordingly, all public school districts throughout New Jersey will be required to adopt and implement the revised uniform agreement. The county superintendents of schools and county prosecutors will be asked to disseminate the revised agreement to local education and law enforcement officials and to make certain that the agreements are signed and implemented.

Major new features of the revised agreement include:

- ▶ A requirement for school officials to report to police incidents involving planned or threatened violence by students. This information-sharing requirement responds to recent national tragedies involving youth violence. The prompt reporting of suspected incidents of planned or threatened violence will permit appropriate intervention by law enforcement or judicial authorities, even where the threat technically does not constitute a criminal act because, for example, the threatened harm is not imminent, or because the threat was not communicated to its intended victim so as to put him or her in fear. The earlier memoranda of agreement only required the reporting of suspected drug offenses and offenses involving the actual use or possession of firearms. (See p. 15-16.)
- ▶ A requirement for police and prosecutors to respond promptly to any information provided by school officials concerning planned or threatened violence so as to prevent wherever possible the threatened act from coming to fruition. (See p. 16.)
- ▶ The incorporation of an updated version of a memorandum of understanding that has been used in some jurisdictions to spell out how school officials should respond to hate crimes and bias-related acts (acts predicated upon

racial, ethnic, religious, gender, disability, or sexual orientation prejudice). School officials will be required to report to police all suspected hate crimes and will be strongly encouraged to report bias-related acts that do not constitute criminal offenses, but that nonetheless might presage criminal conduct or that have the potential to cause emotional injury or to lead to retaliation or an escalation of violence. The revised uniform agreement contemplates a state-wide training program to make certain that all school officials understand their responsibilities in responding to acts of prejudice. (See Addendum 2, pp. A-7 through A-17.)

- ▶ A provision that encourages local education and law enforcement officials to discuss the need to develop a specific bomb threat plan to respond to bomb scares and to develop procedures and “drills” to respond to crises involving gunfire, such as hostage situations or “drive-by” shootings, by locking down classrooms to reduce the number of students and faculty members who might encounter an armed assailant. (See p. 6-7.)
- ▶ A clarification that the term “dangerous weapon” includes any “destructive device,” which in turn means any device, instrument, or object designed to explode or produce uncontrolled combustion. This revision makes clear that school officials are expected to report to law enforcement any incident involving such destructive devices. (Note that where the destructive device was actually used (i.e., detonated) or threatened to be used in committing an offense (such as vandalism), the incident must be reported immediately to the police. (See pp. 14-15.)
- ▶ A requirement for school officials to report to police suspected incidents involving sexual offenses committed by or against students. (See p. 16.)
- ▶ A clarification that all requests by school officials to use drug-detection dogs in schools must be approved by the county prosecutor and must comply with the rules established in the “*New Jersey School Search Policy Manual*” that was recently issued by the Attorney General. (See p. 27.)
- ▶ Revisions to account for recent changes to the Code of Juvenile Justice confidentiality provisions that make it easier for police and prosecutors to share specific information with school authorities with a view toward maintaining order and security within the school. (See pp. 19-23.)
- ▶ A clarification that “Jimson weed” and so-called “date rape” drugs must be treated as controlled dangerous substances, so that suspected incidents involving the use or possession of these substances must be reported immediately to police and prosecutors. (See p. 3-4.)

- ▶ A provision that encourages local education and law enforcement officials to discuss the need and utility of implementing a school resource officer program, whereby a local police officer would be assigned on a full or part-time basis to a school as a form of community policing, thereby allowing the officer to establish positive relations with schoolchildren. (See p. 5-6)